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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WESTLEY ASHE

GROUP ART UNIT: 2862

Serial Number: 10/098,517

EXAMINER: Subhash Zaveri

Filed: March 18, 2002

For: LOW DISTORTION MAGNETIC
TRANSMITTER AND METHOD
OF OPERATING

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COMMUNICATION

The Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the outstanding Office Action dated December 18, 2003, for which a shortened statutory period for response of three (3) months was given, attached to this Communication is a duly executed Terminal Disclaimer to overcome the outstanding grounds of rejection.

REMARKS

In the outstanding Office Action, Claims 17-21, 26-28, 31-36 and 38-39 have been rejected on various grounds of rejection, each relying upon the judicially created doctrine of obviousness-type double patenting and each relying upon Applicant's prior U.S. Patent No. 6,246,231.

In response to these grounds of rejection, submitted herewith is a Terminal Disclaimer executed on behalf of Ascension Technology Corporation (ASC), the 100% owner of the invention disclosed in the above-captioned U.S. patent application. ASC is also the 100% owner of U.S. Patent No. 6,246,231.

Based upon presentation of the Terminal Disclaimer, it is respectfully submitted that each of the grounds of rejection has now been overcome. Accordingly, reconsideration and allowance of the application are respectfully solicited.

Additionally, submitted herewith is the Government fee of \$55.00 pursuant to 37 C.F.R. 1.20(d) required along with submission of a Terminal Disclaimer.

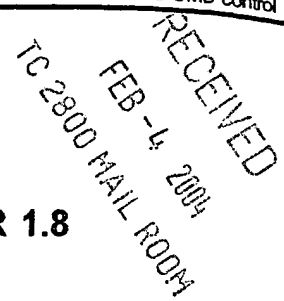
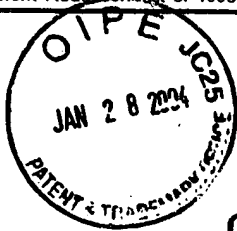
Respectfully submitted,

H. JAY SPIEGEL & ASSOCIATES

A handwritten signature in black ink, appearing to read "H. Jay Spiegel", is written over a horizontal line.

H. Jay Spiegel
Attorney for Applicant
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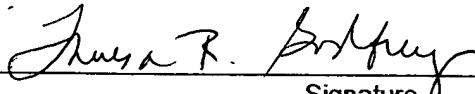


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For: LOW DISTORTION MAGNETIC TRANSMITTER AND
METHOD OF OPERATING

Papers Filed: COMMUNICATION, a Terminal Disclaimer,
a check in the amount of \$55.00 to cover
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